

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER BUREAU**

**GROUNDWATER DISCHARGE GENERAL PERMIT
2215-05-5**

This general permit is issued under the provisions of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), being Sections 324.3101 through 324.3119 of the Compiled Laws of Michigan, and the Administrative Rules promulgated thereunder. This general permit does not relieve the discharger from obtaining and complying with any other permits required under local, state, or federal law.

Authorization:	Rule 2215
Type of Operation:	Application of Oil Field Brine (Brine)
Discharge Category:	Application of Brines for Ice and Dust Control and Soil and Road Stabilization
Type of Wastewater:	Brines Produced at Oil and Gas Well Facilities
Method of Disposal:	Liquid Application to the Ground
Issue Date:	April 1, 2005
Expiration Date:	April 1, 2010
Authorization to Discharge in accordance with the limitations and conditions as set forth in this general permit as authorized pursuant to R 323.2215 .	

The Michigan Department of Environmental Quality (Department) has determined that the discharge (application) of brines for ice and dust control and soil stabilization, by discharging only brines that meet the requirements of R 324.705 (3) of Part 615, Supervisor of Wells, of Act 451 onto the ground of the state are appropriately and adequately controlled by a general permit. Pursuant to this general permit, application of brine may begin as soon as the conditions of the general permit have been met.

In accordance with Section 324.3122 of the Michigan Act, the permittee shall make payment of an annual permit fee to the Department for each December 15 the permit is in effect regardless of occurrence of discharge. The permittee shall submit the fee in response to the Department's annual notice. The fee shall be postmarked by March 1 for notices mailed by January 15. The fee is due no later than 45 days after receiving the notice for notices mailed after January 15. Fees paid in accordance with the Michigan Act are not refundable.

This general permit supersedes all Permits and Exemptions for the application of brines issued by the Department to facilities with the same or substantially similar types of operation.

All maintenance, operations, and monitoring of brine application must comply with the conditions set forth in this general permit by the Department. Failure to comply with the terms and provisions of this general permit may result in civil and/or criminal penalties as provided in Part 31.

James R. Janiczek, Chief
Groundwater Permits Unit
Water Bureau
Michigan Department of Environmental Quality

A. Authorization Conditions

1. No discharge can occur until the discharger requests a certificate of coverage on a form approved by the Department and obtains a certificate of coverage authorizing the discharge.
2. Only brine that meets the requirements of R 324.705 (3) of Part 615, as amended, may be used for ice and dust control and soil stabilization on land, such as roads, parking lots and other land.
3. To prevent other contaminants from becoming part of the brine discharge, brine shall be applied with vehicular equipment dedicated to this use or hauling fresh water.
4. Brine shall be applied for dust control and soil stabilization in accordance with the following criteria:
 - a. Brine may be applied to the surface of roads, parking lots, and other land up to four (4) applications each year south of the southern county lines of Mason, Lake, Osceola, Clare, Gladwin, and Arenac Counties. Counties north of this line may apply only three (3) applications per year.
 - b. Brine may be applied to the surface of roads being used as a detour and on other areas during construction as necessary to control dust up to six (6) applications each year.
 - c. Brine must be applied to roads and parking areas with equipment described by the term "spreader bar." This device shall be constructed to deliver a uniform application of brine over a width of at least eight (8) feet.
 - d. Brine may be applied at a maximum rate of 1,500 gallons per lane mile of road or 1,250 gallons per acre of land, provided runoff does not occur.
 - e. Brine shall be applied in a manner to prevent run off.
5. Brine shall be applied for ice control in accordance with the following criteria:
 - a. Brine shall be applied only on paved roads or paved parking lots.
 - b. Brine shall be applied at a maximum rate of 500 gallons per lane mile of road or 400 gallons per acre of land.
 - c. Brine shall be applied only when the air temperature is above 20° Fahrenheit, unless used for pre-wetting solid salt.
 - d. Brine must be applied with equipment designed to direct the discharge to the center of the pavement or high sides of curves.
6. Brine application measurement methods must be used to ensure that brine application rates are within the limits described in this general permit.
7. Brine shall only be applied at a frequency necessary to control dust and ice in order to protect the public health, safety, and welfare, and up to the maximum allowed by this general permit.

8. Brine shall not be applied at a location determined to be a site of environmental contamination for chlorides under Part 201, Environmental Remediation, of Act 451.
9. Records shall be kept of the use of brine as follows:
 - a. The location, description, volume, and the source or sources of the brine.
 - b. A brine application log shall be kept which shall include the following:
 - (i) Driver's name.
 - (ii) Loading date and time and source of brine.
 - (iii) Dates of brine application.
 - (iv) County and township where brine was applied.
 - (v) Name of road or roads or other land areas where brine was applied and the gallons of brine that were applied.
 - (vi) For road brining, give the distance brine was applied between startup and stopping point to the closest one tenth (0.1) mile.
 - (vii) Documentation of supervisor of wells approval for use.
 - c. The records for the previous two weeks, as described in this section of this general permit, shall be maintained on the vehicle for inspection by the Department or a peace officer.
 - d. The records described in this section shall be maintained by the discharger for a period of three calendar years from the date they were generated and shall be available for inspection by the Department or a peace officer.

B. Transfer of Ownership

In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the permittee shall submit to the Department 30 days prior to the actual transfer of ownership or control a written agreement between the current permittee and the new permittee containing: 1) the legal name and address of the new owner; 2) a specific date for the effective transfer of permit responsibility, coverage and liability; and 3) a certification of the continuity of or any changes in operations, wastewater discharge, or wastewater treatment.

If the new permittee is proposing changes in operations, wastewater discharge, or wastewater treatment, the Department may propose modification of this permit in accordance with applicable laws and rules.

C. Change or Modification of Discharge

If at any time the discharge fails to meet a qualifying condition of this general permit, the general permit and any specific certificate of coverage no longer applies, and the discharger must obtain an appropriate authorization.

D. Reporting Requirements

All notices, reports, and other submissions required by and pursuant to this general permit shall be submitted to:

Groundwater Permits Unit
Water Bureau
Department of Environmental Quality
P.O. Box 30273
Lansing, Michigan 48909-8130

Telephone: 517-373-8148

E. Spill Notification

The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwater of the state, unless the permittee has determined that the release is not in excess of the threshold reporting quantities specified in the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code), by calling the Department at the number indicated in the certificate of coverage, or if the notice is provided after regular working hours call the Department's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706 (calls from out-of-state dial 1-517-373-7660).

Within ten (10) days of the release, the permittee shall submit to the Department a full written explanation as to the cause of the release, the discovery of the release, response (clean-up and/or recovery) measures taken, and preventative measures taken or a schedule for completion of measures to be taken to prevent reoccurrence of similar releases.

F. Duty to Comply

All discharges authorized herein shall be consistent with the terms and conditions of this permit and the facility's certificate of coverage (COC). The discharge of any pollutant identified in this permit and/or the facility's COC more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

It is the duty of the permittee to comply with all the terms and conditions of this permit and the facility's COC. Any noncompliance with the Effluent Limitations, Special Conditions, or terms of this permit or the facility's COC constitutes a violation of the Michigan Act and constitutes grounds for enforcement action; for COC termination, revocation and reissuance, or modification; or denial of an application for permit or COC renewal.

G. Operator Certification

The permittee shall have the waste treatment facilities under direct supervision of an operator certified at the appropriate level for the facility certification by the Department, as required by Sections 3110 and 4104 of the Michigan Act.

H. Power Failures

In order to maintain compliance with the effluent limitations of this permit and prevent unauthorized discharges, the permittee shall either:

- a. provide an alternative power source sufficient to operate facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit; or
- b. upon the reduction, loss, or failure of one or more of the primary sources of power to facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit, the permittee shall halt, reduce or otherwise control production and/or all discharge in order to maintain compliance with the effluent limitations and conditions of this permit.

I. Waste Treatment Residues

Residuals (i.e. solids, sludges, biosolids, filter backwash, scrubber water, ash, grit or other pollutants) removed from or resulting from treatment or control of wastewaters, shall be disposed of in an environmentally compatible manner and according to applicable laws and rules. These laws may include, but are not limited to, the Michigan Act, Part 31 for protection of water resources, Part 55 for air pollution control, Part 111 for hazardous waste management, Part 115 for solid waste management, Part 121 for liquid industrial wastes, Part 301 for protection of inland lakes and streams, and Part 303 for wetlands protection. Such disposal shall not result in any unlawful pollution of the air, surface waters or groundwaters of the state.

J. Right of Entry

The permittee shall allow the Department, any agent appointed by the Department, upon the presentation of credentials:

- a. to enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and
- b. at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect process facilities, treatment works, monitoring methods and equipment regulated or required under this permit; and to sample any discharge of pollutants.

K. Availability of Reports

Except for data determined to be confidential under Rule 2128 (Rule 323.2128 of the Michigan Administrative Code), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Sections 3112, 3115, 4106 and 4110 of the Michigan Act.

L. Civil and Criminal Liability

Except as provided in permit conditions on "Bypass", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond the permittee's control, such as accidents, equipment breakdowns, or labor disputes.

M. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation.

N. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize violation of any federal, state or local laws or regulations, nor does it obviate the necessity of obtaining such permits or approvals as may be required by law.